GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:1671
ANSWERED ON:26.07.2017
Average Time taken for Disposal of Cases
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Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the courts in the country take more time to dispose of the cases as compared to the developed countries of the world;
(b) if so, the details in this regard;
(c) the average time taken by the Supreme Court, High Courts, District Courts and Subordinate Courts in the disposal of civil and criminal cases; and
(d) the steps taken by the Government to streamline the system for speedy delivery of justice?

Answer

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI P. P. CHAUDHARY)

(a) & (b): It may not be valid to compare the time taken for disposal of cases by courts in the country with the time taken by courts in developed countries. The courts in various countries operate in different environment on account of difference in availability of infrastructure facilities, use of technology, number of judicial officers per million of population (judge-population ratio), docket ratio (population - case filing ratio), provisions of substantive laws and procedures in courts. No assessment in this regard has been made.

(c) : The Government does not maintain data on average time taken for disposal of cases in different courts.

(d) : The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, inter-alia, involves better court infrastructure including computerisation, increase in the strength of subordinate judiciary and initiating policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development.

In addition to the above, following steps have also been taken by the Central Government in the matter.

(i) The sanctioned strength of Judges of High Courts has been increased from 906 judges to 1079 judges. Total 173 posts were sanctioned between June 2014 and May, 2016.
(ii) The sanctioned strength of the subordinate judiciary has been increased from 20,174 at the end of 2014 to 22,288 in December, 2016.
(iii) National Legal Services Authority (NALSA) provides mechisms for access to justice for poor people in India, under the overall supervision of the Chief Justice of India as the Patron-in Chief. It organised the National Lok Adalat in July, 2017. More than 9.97 lakh cases including 5.33 lakh pending cases and 4.64 lakhs pre-litigation cases with the settlement amount of Rs.2,925 crores were disposed.
(iv) 1824 redundant Central Acts have been identified for repeal. So far, 1200 Acts have been repealed.
(v) The Government has launched a nation-wide drive to reduce the number of cases pending in courts by curtailing the Government litigation. The Minister of Law and Justice has written on 10th April, 2017 to all Ministers of Central Ministries and Chief Ministers of States to launch 'special arrears clearance drives' to reduce pending cases and minimize fresh litigations.
(vi) Based on the proposals received from the High Court Collegium, during the year 2016, 126 fresh appointment of Judges in High Courts and 131 Additional Judges were made permanent, which is the highest number of appointments made in a given year. In addition, the tenure of 22 Additional Judges of High Courts was also extended. Besides, based on the proposal received from the Supreme Court Collegium, 4 judges were appointed in the Supreme Court in 2016. During the current year (2017), 05 Judges have been appointed in the Supreme Court, 75 Judges in the High Courts and 28 Additional Judges have been made Permanent. Besides, 08 Chief Justices have been appointed in the High Courts.
(vii) The 14th Finance Commission has endorsed the proposal to strengthen the judicial system in States which includes, inter-alia, establishing 1800 Fast Track Courts (FTCs) for a period of five years for cases of heinous crimes; cases involving senior citizens, women, children, disabled and litigants affected with HIV AIDS and other terminal ailments; and civil disputes involving land acquisition and property / rent disputes pending for more than five years at a cost of Rs. 4,144 crore. The 14th Finance Commission has urged State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements. The Hon'ble Minister for Law and Justice has written to all Chief Ministers on 02nd May, 2017 to make available the funds recommended by the 14th Finance Commission to judiciary and to furnish the status of the implementation of the recommendations of the 14th Finance Commission.
(viii) As per the resolution adopted in the Joint Conference held in New Delhi on 24th April, 2016, the Government vide its letter dated 26th September, 2016 requested the State Governments to strengthen the institutional mechanism between the State and the

Judiciary where the Chief Secretary and his team and 2 or 3 Judges of the High Court to regularly meet and monitor utilisation of plan fund and timely completion of infrastructure and eCourts Mission Mode project. The States have also been requested to assist Judiciary in preparing perspective / annual plan for various activities to be undertaken in the justice sector on account of enhanced devolution of funds to the States under the 14th Finance Commission. In addition, the States were requested to provide technical manpower for ICT upgradation.

(ix) The Government vide a letter dated 3rd February 2017, addressed the Chief Justices of the 24 High Courts requesting them Court to advise the district judiciary to ensure effective implementation of Section 436A Code of Criminal Procedure and ensure periodic monitoring of the associated Undertrial Review Committee Mechanism.

(x) Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act, 2015 has been notified on 1st January, 2016 to have a streamlined procedure for the conduct of cases in the Commercial Division and in the Commercial Court by amending the Code of Civil Procedure, 1908 (CPC) for commercial cases so as to improve the efficiency and reduce delays in disposal of commercial cases.

(xi) Necessary amendments have been made to Arbitration and Conciliation Act, 1996 to make the award within 12 months, to resolve the dispute through fast track procedure, to ensure neutrality of arbitrators, and to restrict uses of the term 'Public Policy of India' as a ground for challenging the award.

(xii) The Negotiable Instruments (Amendment) Act 2015 has been notified to clarify the jurisdiction where cases pertaining to dishonour of cheques may be filed and provides for transfer of cases to the appropriate jurisdiction and consolidation of multiple cases filed in different courts.

(xiii) The Minister of State for Law and Justice vide a letter dated 7th February 2017, addressed the Chief Justices of the all High Court requesting them to speed up the process of implementation of e-Court Project for actualising the objectives of the Project.

(xiv) The Government has approved a scheme of engaging 227 Nyaya Mitras in States where there are large number of pendency of court cases. The Nyaya Mitras are required to assist the litigants who are suffering due to delay in investigations or trial, by actively identifying such cases through the National Judicial Data Grid (NJDG). These Nyaya Mitras are meant to identify the bottlenecks due to which these cases are delayed.

(xv) The Government has also approved two legal aid and empowerment initiatives:' Pro bono legal services' and 'Tele Law Service'. Under the Pro bono legal services an online database of lawyers and eligible litigants has been created. As on date 140 lawyers have enrolled under the scheme to provide free legal aid to marginalized persons. Under the Tele Law service, legal aid is mainstreamed through 1800 Common Services Centres in selected Panchayats in U.P., Bihar and States of North East and J & K. As on date a total of 568 cases have been registered in Tele Law portal for legal aid.

(xvi) In pursuance of resolution passed in the Chief Justices' Conference held in April, 2015, High Courts have set up Arrears Committees to clear the backlog of cases pending for more than five years. The Supreme Court has also constituted an Arrears Committee consisting of two Hon'ble Judges to formulate steps to reduce pendency of cases in High Courts and District Courts.

(xvii) The Minister of State for Law and Justice has also written to all Chief Ministers on July 19, 2017 to use additional fiscal space provided by 14th Finance Commission to set up Special Courts especially for the cases pertaining to crimes against women.